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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,212	03/04/2004	Fumihito Imai	Q80159	4162

23373 7590 05/02/2006

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WASHINGTON, DC 20037

EXAMINER
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KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/792,212	IMAI, FUMIHITO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew G. Kayrish	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/3/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto (US Patent Number 6298034).
3. Regarding claim 1, Hashimoto discloses:

A magnetic disk cartridge comprising:

A flat housing (See figure 2) constituted by upper (figure 2, item 13) and lower shell (figure 2, item 14) halves; and

A magnetic disk as a recording medium (figure 3, item 11) which is rotatably accommodated within the housing (column 4, lines 33-36), the housing including an opening to allow a recording/reproducing head of a drive unit to access a surface of the magnetic disk (figure 3, item 16), a rotary shutter used to open and close the opening (figure 3, item 17), and a shutter lock member for locking the rotary shutter at its closed position (figure 3, item 40), wherein the shutter lock member is constituted by a shutter lock body having a sliding contact surface provided on the upper or lower surface of the shutter lock member in sliding contact with the inner surface of either one of the upper and lower shell halves (column 9, lines 14-22), a sliding-contact-surface-side protrusion formed on the one of the upper or lower surface of the shutter lock body (figure 3, top

side of item 40b), and an opposite-surface-side protrusion formed on the other of the upper or lower surface of the shutter lock body (figure 3, bottom side of item 40b);

Wherein one of the upper and lower shell halves includes a protrusion receiving hole having a diameter substantially same as that of the sliding-contact-surface-side protrusion (figure 8, item 40 has same diameter on upper and lower protrusions as step portion 18a); and

Wherein the shutter lock member is rotatably disposed between the upper and lower shell halves while the sliding contact surface of the shutter lock member is in sliding contact with the inner surface of the one of the shell halves (figure 8, item 40b is in contact with both upper and lower shell) with the sliding-contact-surface-side protrusion being received within the protrusion receiving hole (column 7, lines 60-64), and while the end of the opposite-surface-side protrusion is in sliding contact with the inner surface of the other shell half (column 7, lines 41-48).

4. Regarding claim 2, Hashimoto discloses:

A magnetic disk cartridge according to claim 1, wherein the shutter lock member is formed integrally with the sliding-contact-surface-side protrusion and the opposite-surface-side protrusion (figure 3, item 40 is integral with item 40b).

5. Regarding claim 3, Hashimoto discloses:

A magnetic disk cartridge according to claim 2, wherein the shutter lock member has a recess (figure 3, item 40b has a recessed hook), which is concave relative to the sliding-contact-surface-side protrusion (figure 3, recess is concave relative to top side of

40b), at the distal end of the opposite-surface-side protrusion (figure 3, recess is at distal end of the bottom side of 40b); and

Wherein the other shell half has a projection which matingly engages with the recess (figure 3, item 31).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached at 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Greco Kayrish

4/17/2006

MK



4/17/2006

  
ANDREA WELLINGTON  
SUPERVISORY PATENT EXAMINER